



February 18, 2014

ENGROSSED HOUSE BILL No. 1039

DIGEST OF HB 1039 (Updated February 17, 2014 11:18 am - DI 109)

Citations Affected: IC 15-11.

Synopsis: Indiana grown initiative. Establishes the Indiana grown initiative to market and promote Indiana produced agricultural products. Establishes a commission appointed by the secretary of agriculture and rural development. Provides for the department of agriculture (department) to develop, administer, market, and promote the Indiana grown initiative program (program). Provides for the department to establish fees for participation in the program. Allows the department to adopt rules concerning the program. Requires the Indiana grown commission (commission) to provide comment and policy feedback on the program to the department. Allows the commission to provide technical assistance and industry knowledge for the program. Creates the Indiana grown initiative fund.

Effective: July 1, 2014.

**Lehman, Cherry, Goodin, Battles,
Lehe, Gutwein, Morrison, Bacon,
Beumer, Dermody, Friend, Negele,
Niezgodski, Bauer, Klinker, Ober,
Cox, Zent**

(SENATE SPONSOR — GROOMS)

January 7, 2014, read first time and referred to Committee on Agriculture and Rural Development.

January 21, 2014, amended, reported — Do Pass.

January 23, 2014, referred to Committee on Ways and Means pursuant to Rule 127.

January 27, 2014, amended, reported — Do Pass.

January 29, 2014, read second time, amended, ordered engrossed.

January 30, 2014, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

February 17, 2014, amended, reported favorably — Do Pass.

EH 1039—LS 6664/DI 77



February 18, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1039

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-11-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:
4 **Chapter 12. Indiana Grown Initiative**
5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **Indiana grown commission established by section 3 of this chapter.**
7 **Sec. 2. As used in this chapter, "program" refers to the Indiana**
8 **grown initiative program established by section 8 of this chapter.**
9 **Sec. 3. The Indiana grown commission is established.**
10 **Sec. 4. (a) The commission consists of the following members:**
11 **(1) The director or the director's designee, as an ex officio**
12 **member, who serves as chairperson of the commission.**
13 **(2) Two (2) members who represent an organization or**
14 **association that represents the agriculture industry and**
15 **growers of Indiana produced agricultural products, with one**
16 **(1) of the members representing the state's largest general**

EH 1039—LS 6664/DI 77



1 farming organization.

2 (3) Two (2) members who represent an organization or
3 association that represents restaurants that sell Indiana
4 produced agricultural products.

5 (4) Two (2) members who represent an organization or
6 association that represents retailers that sell Indiana
7 produced agricultural products.

8 (5) Two (2) members who represent farmers' markets that sell
9 Indiana produced agricultural products. The members may
10 not be producers of agricultural products.

11 (6) Two (2) members who have expertise in marketing,
12 promotions, or agritourism.

13 (7) The dean of the college of agriculture of Purdue University
14 or the dean's designee, as an ex officio member.

15 The secretary shall appoint the members under subdivisions (2)
16 through (6).

17 (b) The term of a member appointed under subsection (a)(2)
18 through (a)(6) is three (3) years. The secretary may stagger the
19 initial terms of the members under this subsection.

20 Sec. 5. The commission shall meet at least quarterly at the call
21 of the chairperson.

22 Sec. 6. Seven (7) voting members of the commission constitute
23 a quorum.

24 Sec. 7. (a) A member of the commission is not entitled to the
25 minimum salary per diem provided by IC 4-10-11-2.1(b). However,
26 a member is entitled to reimbursement for traveling expenses and
27 other expenses actually incurred in connection with the member's
28 duties, as provided in the state travel policies and procedures
29 established by the Indiana department of administration and
30 approved by the budget agency.

31 (b) Expenses under this section shall be paid from money in the
32 Indiana grown initiative fund established by section 9(a) of this
33 chapter. However, if there is insufficient money in the fund to pay
34 the expenses, the department shall reimburse the expenses from
35 funds appropriated to the department.

36 Sec. 8. (a) The Indiana grown initiative program is established
37 to market and promote Indiana produced agricultural products to
38 Indiana residents, restaurants, grocery stores, farmers' markets,
39 wholesalers, processors, and other retail businesses.

40 (b) The department shall develop, administer, market, and
41 promote the program.

42 (c) The department may establish fees for participation in the



1 program. Any fees collected must be deposited into the fund.

2 (d) The department may adopt rules under IC 4-22-2 to
3 administer this chapter.

4 (e) The department shall provide administrative support for the
5 commission and program.

6 (f) The commission shall provide comment and policy feedback
7 on the program to the department.

8 (g) The commission may provide technical assistance and
9 industry knowledge for the program.

10 Sec. 9. (a) The Indiana grown initiative fund is established for
11 the purpose of carrying out the purposes of this chapter. The fund
12 shall be administered by the department.

13 (b) The fund consists of the following:

14 (1) Fees collected under this chapter.

15 (2) Appropriations.

16 (3) Gifts, contributions, and grants.

17 (c) The expenses of administering the fund shall be paid from
18 money in the fund.

19 (d) The treasurer of state shall invest the money in the fund not
20 currently needed to meet the obligations of the fund in the same
21 manner as other public money may be invested. Interest that
22 accrues from these investments shall be deposited in the fund.

23 (e) Money in the fund at the end of a state fiscal year does not
24 revert to the state general fund.

25 Sec. 10. (a) Before November 1 of each year, the commission
26 shall submit a report to the legislative council that:

27 (1) details the commission's activities under this chapter
28 during the preceding state fiscal year;

29 (2) recommends any legislation the commission considers
30 useful in coordinating and streamlining the efforts of state
31 government to assist and encourage the establishment and
32 growth of small businesses in Indiana; and

33 (3) provides any other information determined by the
34 commission.

35 (b) The annual report submitted under this section must be in
36 an electronic format under IC 5-14-6.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "marketing and" and insert "**marketing, promotions, or agritourism.**".

Page 2, delete line 10.

Page 3, line 5, delete "commission." and insert "**department.**".

and when so amended that said bill do pass.

(Reference is to HB 1039 as introduced.)

LEHE, Chair

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Page 3, delete lines 18 through 19.

Page 3, delete lines 32 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1039 as printed January 24, 2014.)

BROWN T, Chair

Committee Vote: yeas 18, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1039 be amended to read as follows:

Page 1, line 15, delete "products." and insert "**products, with one (1) of the members representing the state's largest general farming organization.**".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(7) The dean of the college of agriculture of Purdue University or the dean's designee, as an ex officio member."

Page 2, line 18, delete "Six (6)" and insert "**Seven (7)**".

Page 2, line 19, delete "six (6)" and insert "**seven (7)**".

(Reference is to HB 1039 as printed January 27, 2014.)

LEHMAN

 COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1039, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 23, delete "The affirmative vote of at least seven (7) members of the".

Page 2, delete line 24.

Page 2, line 41, delete "commission" and insert "**department**".

Page 3, line 1, delete "commission" and insert "**department**".

Page 3, line 3, delete "commission" and insert "**department**".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(f) The commission shall provide comment and policy feedback



on the program to the department.

(g) The commission may provide technical assistance and industry knowledge for the program."

and when so amended that said bill do pass.

(Reference is to HB 1039 as reprinted January 30, 2014.)

YODER, Chairperson

Committee Vote: Yeas 8, Nays 0.

